

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BARBARA ALLAMON

v.

**ACUITY SPECIALTY PRODUCTS, INC.,
ZEP INC., ACUITY SPECIALTY
PRODUCTS GROUP, INC., ROSS
HARDING, GREG MILLER, RICHARD
MANNING, DAVE BAUER, AND OLGA
MARTINEZ**

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NO. 1:10-CV-294

**ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

On March 30, 2012, the Court granted the Defendants' motion for summary judgment, dismissing the Plaintiff, Barbara Allamon's claims with prejudice (Doc. No. 93). Final Judgment was entered on July 2, 2012 (Doc. No. 99). Thereafter, Allamon filed her "Motion for New Trial or, alternatively, Motion for Additional and/or Amended Findings of Fact & Conclusions of Law" (Doc. No. 101). On August 27, 2012, the Court entered an order referring this pending motion to the Honorable Zack Hawthorn, United States Magistrate Judge, for entry of proposed findings and recommended disposition (Doc. No. 106). The Court has received and considered the report (Doc. No. 107) of the magistrate judge, who recommends that the Court deny Allamon's motion. Allamon filed an Objection (Doc. No. 108) to the report and recommendation, and the Defendants filed a Response to Allamon's Objection (Doc. No. 109).

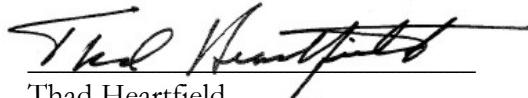
A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a de novo determination of those portions of the report to which the party specifically objects. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3). "Frivolous, conclusive[,] or general objections need not be considered by the district court." Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (quoting Nettles v. Wainwright, 677

F.2d 404, 410 n.8 (5th Cir. 1982) (en banc)). Allamon briefly restates the arguments made in her motion and makes the conclusive, general objection that the magistrate judge's finding is "simply inaccurate." (Doc. No. 108, at 1.) Therefore, Allamon's objection fails to invoke the court's authority to review the report and recommendation.

Nonetheless, out of an abundance of caution, the Court has undertaken its own de novo review of the record and concludes that the magistrate judge's analysis is correct. Allamon's objection is without merit. It is, therefore,

ORDERED that Allamon's objection (Doc. No. 108) is **OVERRULED**, the magistrate judge's report and recommendation (Doc. No. 107) is **ADOPTED**, and Allamon's "Motion for New Trial or, alternatively, Motion for Additional and/or Amended Findings of Fact & Conclusions of Law" (Doc. No. 101) is **DENIED**.

SIGNED this the 5 day of November, 2012.



Thad Heartfield
United States District Judge